

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
NORTHERN DIVISION

WILLIAM HALLMAN, and  
DEANNA WALKER, each Individually and on  
Behalf of All Others Similarly Situated

PLAINTIFFS

v.

No. 3:19-cv-368-DPM

PECO FOODS, INC.

DEFENDANT

ORDER

1. This case was litigated hard on almost all issues for nearly three and a half years. The issues about meal and shift breaks, and the number of opt-in plaintiffs, presented some complexities. The parties eventually settled the liability issues. *Doc. 177-1*. A dispute about attorney's fees and costs remains. The employees' lawyers spent 724.6 hours on this case, for which they request \$127,921.60 in attorneys' fees and \$6,306.56 in costs. Peco contends that a reasonable amount is no more than \$43,302.19 in attorneys' fees and costs of \$1,153.10. The Court must determine the number of hours reasonably expended multiplied by a reasonable hourly rate, and then make any appropriate reductions or additions. *Hensley v. Eckerhart*, 461 U.S. 424, 433-40 (1983); *Quigley v. Winter*, 598 F.3d 938, 956-59 (8th Cir. 2010).

2. The Court agrees with Peco that the proposed rates are too high for this kind of work in this District. But the Court's previously

awarded rates date from 2019, and should be increased. The Court awards fees for these listed hours and at these rates:

Josh Sanford	26.7 hours	x	\$275/hour	= \$ 7,342.50
Vanessa Kinney	9.3 hours	x	\$225/hour	= \$ 2,092.50
Sean Short	280.9 hours	x	\$200/hour	= \$ 56,180.00
Steve Rauls	99.3 hours	x	\$200/hour	= \$ 19,860.00
Michael Stiritz	60.9 hours	x	\$150/hour	= \$ 9,135.00
Paralegal	170 hours	x	\$100/hour	= \$ 17,000.00
Law Clerk	77.5 hours	x	\$75/hour	= \$ <u>5,812.50</u>
				\$117,422.50

3. The Court applauds counsel's self-audit and substantial voluntary time reductions. And, in response to Peco's objections, the employees' lawyers conceded an additional 6% reduction for duplicative work. *Doc. 184 at 8 & 13*. That reduction brings the request, at the Court's new hourly rates, to \$110,377.15. All material things considered, and with one addition specified below, the Court awards the \$110,377.15 as the reasonable attorney's fee for the work in this case. *Hensley*, 461 U.S. at 434-37; *Vines v. Wellspun Pipes, Inc.*, 9 F.4th 849, 855-56 (8th Cir. 2021).

4. The Court also awards a reduced amount in costs. Fed. R. Civ. P. 54(d)(1); 28 U.S.C. § 1920. The filing fee and copy costs are recoverable, 28 U.S.C. § 1920(1) & (4). The postage, private service fee, and communications fees, however, aren't recoverable as costs. *Smith v. Tenet Healthsystem SL, Inc.*, 436 F.3d 879, 889 (8th Cir. 2006); *Crues v.*

*KFC Corp.*, 768 F.2d 230, 234 (8th Cir. 1985). Neither are the deposition-related travel expenses incurred by the employees' lawyer. But, all these items are routinely billed to clients in the Eastern District of Arkansas and will be awarded as a part of the fee. Here's the final award:

Attorneys' Fees	\$110,377.15
Costs	\$1,042.40
Other Expenses	\$5,264.16
.....	
Total	\$116,683.71

\* \* \*

Motion for fees and costs, *Doc. 180*, mostly granted and partly denied.

So Ordered.

*D.P. Marshall Jr.*  
D.P. Marshall Jr.  
United States District Judge

*16 October 2023*